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To: [LERS, EOIR \(EOIR\)](#); [All of Judges \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Allen, Patricia M. \(EOIR\)](#); [Baptista, Christina \(EOIR\)](#); [Barnes, Jennifer \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [BIA TEAM JLC](#); [BIA TEAM P \(EOIR\)](#); [Brazill, Caitlin \(EOIR\)](#); [Burgie, Brea \(EOIR\)](#); [Burgus, Elizabeth \(EOIR\)](#); [Carballo, Vivian \(EOIR\)](#); [Cicchini, Daniel \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Curry, Michelle \(EOIR\)](#); [Evans, Brianna \(EOIR\)](#); [Grodin, Edward \(EOIR\)](#); [Hartman, Alexander \(EOIR\)](#); [Kaplan, Matthew \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Lang, Steven \(EOIR\)](#); [Lovejoy, Erin \(EOIR\)](#); [Martinez, Casey L. \(EOIR\)](#); [Noferi, Mark \(EOIR\)](#); [Park, Jeannie \(EOIR\)](#); [Powell, Karen B. \(EOIR\)](#); [Ramirez, Sergio \(EOIR\)](#); [Rimmer, Phillip \(EOIR\)](#); [Rodrigues, Paul A. \(EOIR\)](#); [Rodriguez, Bernardo \(EOIR\)](#); [Rothwarf, Marta \(EOIR\)](#); [Sanders, John W. \(EOIR\)](#); [Schaaf, Joseph R. \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#); [Stutman, Robin M. \(EOIR\)](#); [Taufa, Elizabeth \(EOIR\)](#); [Vayo, Elizabeth \(EOIR\)](#); [Wilson, Amelia \(EOIR\)](#)
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**EXECUTIVE OFFICE FOR
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Office of Policy | Legal Education and
Research Services Division

| Policy & Case Law Bulletin
April 13, 2018

White House

- [White House Lifts Travel Restrictions on Citizens of Chad](#)

On April 10, 2018, the President of the United States lifted travel restrictions on citizens of Chad, announcing that Chad has raised its security standards to meet important baseline U.S. national security requirements.

- [Presidential Memorandum Regarding the Ending of “Catch and Release” at the Border of the United States and Directing Other Enhancements to Immigration Enforcement](#)

On April 6, 2018, the President of the United States directed the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Health and Human Services, and the Secretary of Homeland Security to end “catch and release” practices and pursue measures against countries that refuse to expeditiously accept the repatriation of their nationals.

Federal Agencies

DOJ

- [Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry](#)

The Attorney General notified all U.S. Attorney’s Offices along the Southwest Border of a new “zero-tolerance policy” for offenses under 8 U.S.C. § 1325(a), which prohibits both attempted illegal entry and illegal entry into the United States by an alien.

- [Virtual Law Library Weekly Update — EOIR](#)

This update includes resources recently added to EOIR’s internal or external Virtual Law Library, such as Federal Register Notices, country conditions information, and links to recently-updated immigration law publications.

DHS

- [USCIS Announces New E-Verify.gov Website – “a User-Friendly Source to Verify Employment Eligibility”](#)

On April 10, 2018, USCIS announced the launch of its new website, [E-Verify.gov](#), “the authoritative source for information on electronic employment eligibility verification . . . for employers, employees and the general public.”

- [USCIS Reaches FY 2019 H-1B Cap](#)

On April 6, 2018, USCIS reached the congressionally-mandated 65,000 H-1B visa cap for fiscal year 2019. USCIS also received a sufficient number of H-1B petitions to meet the 20,000 visa U.S. advanced degree exemption, known as the master’s cap.

Third Circuit

- [Moreno v. Attorney Gen. of the United States](#)

No. 17-1974, 2018 WL 1702361 (3d Cir. Apr. 9, 2018) (Crime Involving Moral Turpitude)

The Third Circuit denied the PFR, holding that a conviction for possessing child pornography under 18 Pa. Cons. Stat. § 6312(d) is categorically a CIMT. The Third Circuit reviewed the least culpable conduct hypothetically necessary to sustain a conviction under the statute (an eighteen year old sexting a seventeen year old), and concluded that “regardless of the circumstance, Pennsylvania’s accepted rules of morality are violated when an adult possesses sexually explicit images of a minor.” The court also rejected the petitioner’s argument that the definition of CIMT is constitutionally void for vagueness.

Ninth Circuit

- [Gomez-Sanchez v. Sessions](#)

No. 14-72506, 2018 WL 1661652 (9th Cir. Apr. 6, 2018) (Particularly Serious Crime)

The Ninth Circuit granted the PFR in a case involving a petitioner with significant mental health struggles whose conviction for assault with a deadly non-firearm weapon under California Penal Code § 245(a)(1) was determined by the Board to be a particularly serious crime. The Ninth Circuit did not accord deference to [Matter of G-G-S-](#), 26 I&N Dec. 339 (BIA 2014), and held that in determining whether a conviction constitutes a particularly serious crime, the Agency must take all reliable, relevant information into consideration, including “the defendant’s mental condition at the time of the crime, whether it was considered during the criminal proceedings or not.”

- [Garcia-Martinez v. Sessions](#)

No. 16-72940, 2018 WL 1702839 (9th Cir. Apr. 6, 2018) (Crime Involving Moral Turpitude; Retroactivity)

The Ninth Circuit granted the PFR, holding that the Board erred when it retroactively applied a new rule announced in [Matter of Diaz-Lizarraga](#), 26 I&N Dec. 847 (BIA 2016), regarding theft crimes involving moral turpitude. The Ninth Circuit remanded the case to the Board, holding that the new rule that moral turpitude inheres when an intent to deprive the owner of his property either permanently or under circumstances where the owner’s property rights are substantially eroded should not be applied to the petitioner, who pled guilty to his offenses before the Board announced this rule.

- [Rodriguez v. Jennings](#)

Nos. 13-56706 & 13-56755 (9th Cir. Apr. 12, 2018) (Bond)

In a case [on remand](#) from the Supreme Court, the Ninth Circuit directed the parties to file supplemental briefs addressing various procedural questions related to class certification and the following constitutional questions: “(1) whether the Constitution requires that

aliens seeking admission to the United States who are subject to mandatory detention under 8 U.S.C. § 1225(b) must be afforded bond hearings, with the possibility of release into the United States, if detention lasts more than six months; (2) whether the Constitution requires that criminal or terrorist aliens who are subject to mandatory detention under [8] U.S.C. § 1226(c) must be afforded bond hearings, with the possibility of release, if detention lasts more than six months; and (3) whether the Constitution requires that, in bond hearings for aliens detained for more than six months under §§ 1225(b), 1226(c), or 1226(a), the alien is entitled to release unless the government demonstrates by clear and convincing evidence that the alien is a flight risk or a danger to the community or rather whether the government's proof of flight risk or danger could be by only a preponderance of the evidence, whether the length of the alien's detention must be weighed in favor of release, and whether new bond hearings must be afforded automatically every six months."

Tenth Circuit

- [United States v. Pacheco](#)

No. 17-2115, 2018 WL 1673153 (10th Cir. Apr. 6, 2018) (unpublished) (Aggravated Felony)

The Tenth Circuit denied the PFR, concluding that New Mexico's aggravated assault pursuant to N.M. Stat. § 30-3-2(A) and aggravated battery against a household member, use of a deadly weapon, pursuant to N.M. Stat. § 30-3-16(C), are violent felonies under § 924(e)(2)(B)(i) of the ACCA, which is analogous to 18 U.S.C. § 16(a).